**THE HON'BLE MS JUSTICE G.ROHINI**

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**WRIT PETITION NO: 21195 of 2005**

Dated: 03-03-2006

Between:

P. Suryanarayana Raju and another

**..... PETITIONERS**

AND

The Social Welfare Officer, Bheemavaram,

West Godavari District and three others.

**.....RESPONDENTS**

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 21195 of 2005**

**O R D E R:**

The petitioners claim to be in possession and enjoyment of the lands to an

extent of Ac.1.06 cents in Sy.No.827/4, Ac.1.06 cents in Sy.No.827/5, Ac.1.05 cents in Sy.No.827/2, Ac.1.06 cents in Sy.No.827/3 of Kalla village, West Godavari District. It is claimed that in respect of the said lands
D-Form pattas were granted in favour of the first petitioner -
P. Suryanarayana Raju and one Alluri Subba Raju in the years 1967 and 1974 respectively. It is stated that the second petitioner is the legal heir of Alluri Subba Raju and on the death of Alluri Subba Raju she, having succeeded to the property, has been in continuous possession and enjoyment of the same. This writ petition is filed alleging that the respondents 1 and 2 have been attempting to interfere with the possession and enjoyment of the petitioners in respect of the lands in question. It is contended that since the pattas in their favour are subsisting, the respondents 1 and 2 are not justified in interfering with their possession.

On behalf of the respondents 1 and 2, second respondent-Mandal Revenue Officer, Kalla Mandal, West Godavari District, filed a counter affidavit stating that the lands were originally assigned to one Indukuri Sivarama Raju and Achanta Ramamohana Rao in the years 1968 and 1975 respectively. However, one Rudraraju Narasimha Raju had forcibly occupied the said lands. In the circumstances, when a representation was made by the original assignees, the second respondent-Mandal Revenue Officer initiated action under Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977) (for short 'the Act') and notices were issued to Rudraraju Narasimha Raju to show cause as to why he should not be evicted. Since there was no response from the said Rudraraju Narasimha Raju, the second respondent by proceedings dated 11-07-2005 ordered resumption of the lands in question. No appeal has been filed against the said order and the same has become final.
It is alleged that the said Rudraraju Narasimha Raju has deliberately got this writ petition filed in the names of the petitioners apprehending dispossession pursuant to the order dated 11-07-2005.

Indukuri Sivarma Raju and Achanta Ramamohana Rao, who were said to be the original assignees, got themselves impleaded as respondents 3 and 4 to the writ petition and filed a counter affidavit on the same lines.

I have heard learned counsel for both the parties and perused the material on record.

On a perusal of the order of resumption dated
11-07-2005 passed by the second respondent-Mandal Revenue Officer, it is clear that a show cause notice was issued to Rudraraju Narasimha Raju and since there was no response from him, the said order dated
11-07-2005 was passed directing to take possession of the lands from Radraraju Narasimha Raju and to restore the same to the original assignees forthwith. However, the fact that the respondents 3 and 4 are not put in possession till today is not in dispute. The specific case of the petitioners is that the D-Form pattas were granted in favour of the first petitioner and the predecessor in title of the second petitioner long back. The xerox copies of the said pattas, *prima facie*, show that the pattas were granted as claimed by the petitioners. Though no finding as such can be recorded as to the rival claims, having regard to the material placed before this Court, I am of the opinion that the matter requires reconsideration after affording due opportunity to the petitioners to put forth their version.

Accordingly, the impugned order dated 11-07-2005 is set aside and the second respondent-Mandal Revenue Officer is directed to conduct fresh enquiry with notices not only to the Rudraraju Narasimha Raju, but also to the writ petitioners as well as the respondents 3 and 4 herein and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Till such orders are passed, *status quo* obtaining as on to day as to the nature and possession of the lands in question shall be maintained.

The writ petition is accordingly disposed of. No costs.

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**G.ROHINI,J**

Dated: 03-03-2006

Note: Issue CC in two days.

B/o

Klp/ghn